

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TERESA CARRETTA, et al.,

Plaintiffs,

V.

MAY TRUCKING CO.,

Defendant.

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Civil No. **09-158-MJR**

ORDER

PROUD, Magistrate Judge:

Before the Court is defendant May Trucking Company's motion seeking to reopen discovery. (Doc. 77.) Defendant argues that, during the recent deposition of James Carretta, defendant first learned the identities of two of the decedent's employers, and therefore further discovery is needed to investigate the wage loss at issue in this case. The plaintiffs object to reopening discovery, countering that the defendant knew of the two employers at least as early as June 17, 2010, and noting that the Court has denied previous requests to reopen discovery. (Doc. 78; Doc. 78-2, p. 9.)

As the parties have been told many times before, the Court's trial calendar can only accommodate changing the trial setting in the rarest and most extraordinary circumstances, which are not evident in this situation. Trial is set to commence December 13, 2010.¹ The Court has also repeatedly warned that no further extensions would be granted. The plaintiffs'

¹This Court spoke with Judge Reagan today about the status of his docket. Judge Reagan indicated that the chances of this case being reached for trial on December 13, 2010, are very slim. There is an older criminal case set that date which takes precedence, as well as an older civil case. However, this case remains set on the trial docket for December 13, 2010.

documentary evidence confirms that the two employers defendant contends it just learned about were disclosed in June, when there was time to conduct discovery regarding the claimed wage loss.

IT IS THEREFORE ORDERED that the defendant's motion to reopen discovery (Doc. 77) is **DENIED**.

IT IS SO ORDERED.

DATED: November 10, 2010

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE